

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CEDRIC TYRONE GREEN,	)	
	)	
Petitioner,	)	No. C 07-2474 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
R. J. SUBIA, Acting Warden,	)	(Doc # 2)
	)	
Respondent.	)	

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Petitioner, a state prisoner currently incarcerated at Mule Creek State Prison, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254. His first petition was dismissed as untimely on May 15, 2003. See Green v. Knowles, No. C 02-5455 CRB (PR) (N.D. Cal. May 15, 2003) (order granting respondent's motion to dismiss).

A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The petition accordingly is DISMISSED without prejudice to refiling if petitioner obtains the necessary order.

The clerk shall terminate all pending motions as moot and close the file.

SO ORDERED.

DATED: 06/08/07

  
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CHARLES R. BREYER  
United States District Judge